

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

William Washington,) C/A No.: 9:12-1127-JFA-BM
)
 Plaintiff,)
)
 vs.) ORDER
)
 Leroy Cartledge, Warden; H. Glickwell, DHO;)
 L. Holmes, IGC; The McCormick)
 Correctional Institution,)
)
 Defendants.)
)

The *pro se* plaintiff brings this civil action *in forma pauperis* pursuant to 42 U.S.C. § 1983, raising claims regarding prison disciplinary proceedings and retaliation.

The Magistrate Judge assigned to this action¹ has prepared a Report and Recommendation and opines that defendant McCormick Correctional Institution should be dismissed because it is not a proper party defendant in this § 1983 action. Specifically, McCormick Correctional Institution is not a person amenable to suit under 42 U.S.C. § 1983. The Magistrate Judge has authorized service of process on three of the individual defendants. The Report sets forth in detail the relevant facts and standards of law on this matter, and the court incorporates such without a recitation.

¹ The Magistrate Judge's review is made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02. The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of those portions of the Report and Recommendation to which specific objection is made, and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. See 28 U.S.C. § 636(b)(1).

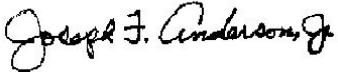
On May 8, 2012, the plaintiff was mailed a copy of the Report and Recommendation, which was filed on that same day, and advised of his right to file objections to the Report. The plaintiff did not file objections and the time within which to do so has now expired. Additionally, the plaintiff filed an amended complaint on April 27, 2012. In the absence of specific objections to the Report of the Magistrate Judge, this court is not required to give any explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983).

After carefully reviewing the applicable laws, the record in this case, and the Report and Recommendation, this court finds the Magistrate Judge's recommendation fairly and accurately summarizes the facts and applies the correct principles of law. The Report is incorporated herein by reference.

Accordingly, defendant "McCormick Correctional Institution" is dismissed without prejudice and without issuance and service of process.

IT IS SO ORDERED.

May 29, 2012
Columbia, South Carolina


Joseph F. Anderson, Jr.
United States District Judge